



# PECFA POST



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## **COSTS NOT ELIGIBLE IF REQUIRED OCCURRENCE CLASSIFICATION NOT COMPLETED**

For occurrences reported to the Wisconsin Department of Natural Resources (DNR) prior to May 1, 2006, an Occurrence Classification Form was required to be submitted to the Wisconsin Department of Commerce (Commerce) no later than May 31, 2006, per Comm 47.325(4)(a). Exceptions to this requirement are as follows:

- Occurrences with a bid cap previously set through the public bidding process
- Home heating oil tanks
- Occurrences with conditional closure prior to May 1, 2006

On June 23, 2006, letters were sent to 377 responsible parties (RP) reminding them an occurrence classification had not been completed. **If you are currently doing work on a Petroleum Environmental Cleanup Fund Award (PECFA) occurrence where the DNR notification date was prior to May 1, 2006 and you have not completed an Occurrence Classification Form, all costs, including bank interest, are not eligible for reimbursement, per Comm 47.325(4)(b).** Reimbursement will be available again after Commerce receives the completed occurrence classification form.

**Please note that existing occurrences in the PECFA program prior to May 1, 2006 are not exempt from this process unless one of the above exceptions exists.**

A copy of the June 23, 2006 letter and a list of the occurrences that received it are available on the PECFA web site at:

<http://commerce.wi.gov/ERpdf/pecfa/ER-PECFA-OccurrenceClassification-ListOf-C-Sites.pdf>

## **FOUR FREQUENTLY ASKED QUESTIONS WITH RESPECT TO COMM 47.325, USUAL & CUSTOMARY COSTS**

The Bureau of PECFA has received numerous questions regarding implementation of the Usual & Customary Cost Schedule (UCCS) that went into effect May 1, 2006. Four frequently asked questions and responses are as follows:

1) What occurrences must comply with UCCS?

Response: All occurrences, with three exceptions, must comply with the UCCS. The exceptions are:

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- Work for which a reimbursement cap has been established through the bid process.
- Work performed within the initial 72 hours after the onset of the need for an emergency action.
- Work with regard to home heating oil tank systems.

2) Under what conditions does an Occurrence Classification Form need to be filled out?

Response: From May 1 to May 31, 2006, the Occurrence Classification Form was to be filled out for all occurrences reported to the DNR prior to May 1, 2006, with two exceptions:

- Completion of the conditions of a conditional closure approved prior to May 1, 2006.
- The only work remaining for the site is submittal of the claim.

Note: As of May 31, 2006, Occurrence Classification Forms cannot be completed on-line. Forms can only be completed by contacting Renee' Dickey at 608-264-8765. For occurrences where the form has yet to be completed, no work conducted between May 1, 2006 and the date the form was received will be eligible for PECFA reimbursement.

3) How are consultants to process invoices for tasks that commenced prior to, but extended past, May 1, 2006?

Response: The standardized invoice must be used for all work performed after May 1, 2006.

4) Are occurrences that have established remedial action caps subject to the UCCS?

Response: As of May 1, 2006, all occurrences that have established remedial action caps are subject to the UCCS unless the caps were established through the bidding process.

## **BID DEFERMENT SUBMITTAL CLARIFICATION**

When Commerce requests costs for a bid deferral, it is for a work scope that will provide information to improve our ability to write a future bid specification. The request for the deferral will typically indicate the future bid round, a work scope to be conducted and an end date for the deferral budget. The end of the deferral budget should coincide with submittal of a deferment results report, which also fulfills the notice required in Comm 47.63(5)(c).

### **PECFA POST SUBSCRIPTION AND REQUEST FOR TOPICS**

To subscribe to the PECFA Post go to <http://commerce.state.wi.us/ER/ER-PECFA-News.html#PecfaPost>, scroll down, enter your email address and name and click the subscribe box. You will receive an email to confirm your email address. Upon confirmation, you will have been added to the electronic distribution list.

If you do not have email, you may call, (920) 303-5410, or write Beth Erdman at ERS Division, Bureau of PECFA, 2129 Jackson Street, Oshkosh, WI 54901 and request to be placed on the mailing list.

Commerce appreciates suggestions for future Post topics or comments on current articles. Please contact Beth Erdman at [beth.erdman@wisconsin.gov](mailto:beth.erdman@wisconsin.gov) or mail suggestions or topics to the address listed above.

The request for a deferment submittal typically indicates that the costs be provided using a Draft Standardized Invoice since approvals need to be in agreement with, at or below the UCCS. However, the consultant's draft cost summary does not necessarily need to use a standardized invoice format. The cost summary can be simpler and needs to present those activities to be conducted, and most importantly needs to reflect the activities on the UCCS.

For example, if groundwater is to be sampled, the draft deferment cost summary needs to provide line items for the applicable Task 1 reference codes on the UCCS (GS05 through GS25) and the applicable laboratory analytical costs per Task 33. For the deferment results report, a line item can be provided that, in most cases, would be applicable to Task 6 (Letter Report/Addendum).

## PECFA DEPLOYS ONLINE REPORTING APPLICATION

As part of the newly-implemented Comm 47, PECFA requires that environmental consultants provide technical updates as stated in bid specifications, deferment letters and Comm 47, for petroleum-contaminated sites to retain PECFA reimbursement eligibility. The technical reports include: site progress reports, monitoring for progress reports, end of bid reports, investigation reports, deferment notifications and Comm 46.10 annual reports.

To facilitate this reporting requirement, PECFA deployed an online contract notification and reporting application on July 6, 2006. The online application, likely the only one of its kind in the nation, is used by environmental consultants to provide PECFA Site Review Section hydrogeologists with contract update notifications and technical information required as part of the investigation and remediation of petroleum contaminated sites. The technical information that can be provided via the online application includes: soil and groundwater analytical results, copies of site maps, cost estimates to achieve closed remedial action status and risk/environmental factor checklists. The application can be accessed via the PECFA homepage, <http://commerce.wi.gov/ER/ER-PECFA-Home.html>, or at <http://commerce.wi.gov/ER/ER-PECFA-SiteReporting.html>.

The web reporting/contract notification requirements should not be confused with the separately required Lender or Owner financial reporting. This requirement is completed by lending institutions and responsible parties yearly in June and December or with the occurrence classification requirement. The occurrence classification requirement was/is a one time requirement associated with the transition into the new Comm 47 code and was/is used for setting up a schedule of prioritized public bidding based on relative risk to health and the environment.

Because of the delayed deployment of the web reporting application, several of the due dates specified in Comm 47 for required web reports/contract notifications had either expired or were too close to the application deployment date to provide consultants enough time to complete the required reports. In an effort to provide consultants with more time to meet reporting deadlines, PECFA issued [PECFA Update 23](#) which postponed the earliest reporting due dates.

A summary of postponed reporting requirements follows. Sites which have a bid cap established by the public bid process prior to May 1, 2006 (Bid Round 42 and earlier) are required by Comm 47.71(5)(a) to submit the initial progress report by September 1, 2006. Sites in the investigation stage, where investigations were started prior to May 1, 2006, are required by Comm 47.71(2) to complete contract notifications and initial investigation progress reports by September 1, 2006. Please note: sites in the investigation stage with investigations started prior to May 1, 2006 which received bid deferment letters should disregard the September 1, 2006 deadline and must instead complete reporting per the

schedule specified in the bid deferment letters they received (report annually during the month of December).

## **REPORTING APPLICATION “TIME OUT” REMINDER**

Consultants using the PECFA online site reporting application should be aware that the application has a “time out” feature. The “timer” begins when the consultant enters the application and ends after three hours, regardless of activity. If the reporting application “times out”, an error message will be received when the report is submitted and all data will be lost.

Consultants can avoid losing data by using the “save and exit” button periodically when they anticipate leaving the reporting application open for an extended period of time. The “save and exit” button will not submit the report, but will save all data entered and allow for the completion of the application at a later date or time. Re-entering the application will reset the timer. Questions regarding error messages should be directed to Beth Erdman at (920) 303-5410, Greg Michael at (414) 220-5375 or Jon Heberer at (608) 261-5405.

## **PENALIZED INELIGIBLES**

Effective May 1, 2006, Comm 47.30(3) includes a list of penalized ineligible costs. If these costs are submitted in claims after May 1, 2006, a 50 percent penalty will be applied to these costs. PECFA will provide a window of time to remove these costs from claims that have been submitted since May 1, 2006. If a claim has been submitted that includes these costs, a letter requesting their removal from the claim when it is reviewed for reimbursement may be submitted. When submitting this request, include all site information and list the invoices and amount to be removed. A revised Form 1 must also be included with the new amount claimed. Please understand that this list of penalized ineligible costs was developed from the list of costs that have not been eligible for several years; however, they continue to be submitted in PECFA claims. If the costs are not removed prior to the claim being audited, the claim reviewers may allow for the removal of the costs prior to finalizing the audit.

## **NEW COMM 47 CODE ALLOWS REMEDIAL FUNDING AT NEW 84 LUMBER PLANT**

Shortly after the New Comm 47 implementation date, PECFA approved \$260,000 in funding for future remedial efforts at the newly proposed 84 Lumber Plant in the Village of McFarland. In addition, Governor Jim Doyle recently announced on July 20, 2006, that the Commerce Blight Elimination and Brownfield Redevelopment (BEBR) program has awarded \$400,000 to 84 Lumber Company to redevelop the site. The overall redevelopment project will create about 150 new jobs for McFarland.

The additional PECFA funds, in combination with the BEBR grant, will help the Village of McFarland and 84 Lumber Company redevelop a former petroleum distribution terminal into a manufacturing, lumber distribution and retail facility.

84 Lumber is proposing a \$4.3 million redevelopment plan for the 18-acre site, which will include the construction of nine slab-on-grade single story buildings, environmental remediation, asphalt paving, utilities and storm water management facilities. An additional \$1.2 million investment will be made in equipment purchases for truss assembly operations. The total project cost is \$5,553,000.

Since it was founded in 1956, 84 Lumber Company has become the largest privately-held building materials supplier to professional contractors in the country. The company's 2005

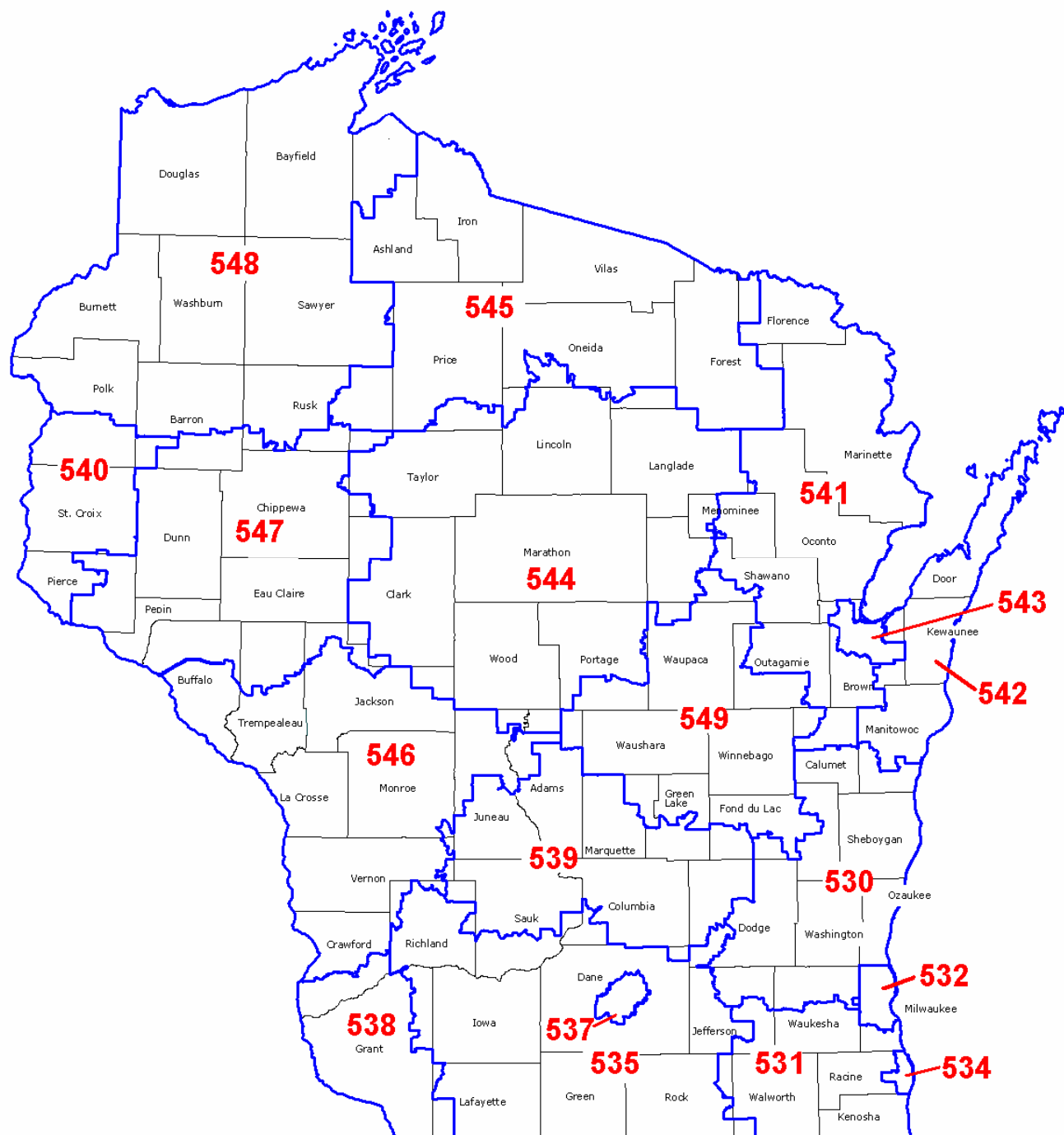
sales were nearly \$4 billion, with 95 percent of sales to the professional market. 84 Lumber Company operates over 475 locations and 2,084 components manufacturing facilities. With more than 10,500 associates nationwide, 84 Lumber Company provides professional, residential and commercial contractors with quality building materials, supplies, expertise and services.

Commerce is very pleased to assist 84 Lumber Company in making this lasting investment and bringing new jobs to McFarland, while at the same time remediating and redeveloping a petroleum contamination site.

### **PECFA SAYS GOODBYE TO JEAN BECKWITH**

Claim Reviewer Jean Beckwith has accepted the Grants Specialist position in the newly created Commerce Diesel Idling Reduction Program. Jean started with the PECFA program in September of 1999. In addition to her claim review duties, Jean was involved in a recently completed "Pay for Performance" study, funded by the Environmental Protection Agency (EPA). Jean worked well with her fellow employees and will be missed by all. The Environmental and Regulatory Services Division wishes her success in her new position.

# PECFA SITE REVIEW ZONE COVERAGE MAP



**PECFA SITE REVIEW ZONE CONTACT INFORMATION**

<b>Bureau Director</b> <a href="#">Oscar Herrera</a> (608) 266-7605 WI Dept of Commerce FAX 608-267-1381 201 W Washington Ave PO Box 8044 Madison WI 53708-8044		<b>Section Chief Site Review Section</b> <a href="#">Eric Scott</a> (608) 266-8516 WI Dept of Commerce FAX 608-267-1381 201 W Washington Ave PO Box 8044 Madison WI 53708-8044	
<b>Program Assistant</b> <a href="#">Cathy Voges</a> (608) 261-7717 WI Dept Of Commerce FAX 608-267-1381 201 W Washington Ave PO Box 8044 Madison WI 53708-8044		<b>Program Assistant</b> <a href="#">Kristi Prindle</a> (608) 267-3753 WI Dept Of Commerce FAX 608-267-1381 201 W Washington Ave PO Box 8044 Madison WI 53708-8044	
<b>ZIP CODE STARTING WITH:</b>		<b>CONTACT INFO (click on project manager name to send email):</b>	
<b>530, 531, 532, 534</b>	<a href="#">Lee Delcore</a>	(414) 220-5403	WI Dept of Commerce 101 W Pleasant St Suite 100A Milwaukee WI 53212-3963 FAX 414-220-5374
	<a href="#">Stephen Mueller</a>	(414) 220-5402	
	<a href="#">Greg Michael</a>	(414) 220-5375	
	<a href="#">Monica Weis</a>	(414) 220-5361	
	<a href="#">Linda Michalets</a>	(414) 220-5376	
<b>535</b>	<a href="#">Ralph Smith</a>	(608) 261-6543	WI Dept of Commerce 201 W Washington Ave PO Box 8044 Madison WI 53708-8044 FAX 608-267-1381
	<a href="#">Alan Hopfensperger</a>	(608) 266-0562	
<b>537</b>	<a href="#">Jon Heberer</a>	(608) 261-5405	
<b>538</b>	<a href="#">Andy Alles</a>	(608) 261-8509	
<b>539, 546</b>	<a href="#">David Swimm</a>	(608) 264-8766	
	<a href="#">Gena Larson</a>	(608) 261-5404	
	<a href="#">Brian Taylor</a>	(608) 266-0593	
<b>540</b>	<a href="#">Shawn Wenzel</a>	(608) 261-5401	
<b>545</b>	<a href="#">David Blair</a>	(608) 261-2515	
<b>548</b>	<a href="#">Will Myers</a>	(608) 261-7718	
<b>544</b>	<a href="#">Dee Zoellner</a>	(715) 342-3802	WI Dept of Commerce 2715 Post Rd Stevens Point WI 54481-6456 FAX 715-345-5225
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<b>542, 543</b>	<a href="#">Robert Klauk</a>	(920) 424-0046	WI Dept of Commerce 2129 Jackson St Oshkosh WI 54901-1805 FAX 920-424-0217
<b>549*</b>	<a href="#">Tom Verstegen</a>	(920) 424-0025	
<b>541</b>	<a href="#">Beth Erdman</a>	(920) 303-5410	

\*Outagamie, Winnebago, Fond du Lac Counties are project managed by Robert Klauk and the remainder of 549 sites including the City of New London are managed by Dee Zoellner.

# PECFA CLAIM REVIEW CONTACT INFORMATION

<b>Bureau Director</b> <a href="#">Oscar Herrera</a> (608) 266-7605 WI Dept of Commerce 201 W Washington Ave PO Box 8044 Madison WI 53708-8044		<b>Section Chief Claim Review Section</b> <a href="#">Dennis Legler</a> (608) 267-7642 WI Dept of Commerce 201 W Washington Ave PO Box 7838 Madison WI 53707	
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<b>Claim Review</b>	<a href="#">Linda Collier</a> (608) 267-5264 <a href="#">Lorraine Narvaez</a> (608) 261-7716 <a href="#">Tim Prosa</a> (608) 261-7715	WI Dept of Commerce 201 W Washington Ave PO Box 7838 Madison WI 53707 FAX 608-267-1381	
<b>Initial Claim Eligibility</b>	<a href="#">Renee Dickey</a> (608) 264-8765		
<b>Commodity Bid Waivers</b>	<a href="#">Mary Ann Gosda</a> (608) 266-9420		
<b>Appeals Field Audit</b>	<a href="#">James Moser</a> (608) 267-1394		
<b>Appeals Coordinator-Initial Contact for Appeals</b>	<a href="#">Laura Pleasants</a> (608) 261-2511		
<b>Initial Claim Review</b>	<a href="#">Diane Ploessl</a> (608) 261-7723		
<b>Financial Manager-Payment Issues</b>	<a href="#">Dottie White</a> (608) 266-3713	WI Dept of Commerce 201 W Washington Ave PO Box 8044 Madison WI 53708 FAX 608-267-1381	
<b>Program Assistant</b>	<a href="#">Kristi Prindle</a> (608) 267-3753		
<b>Field Auditor</b>	<a href="#">Carl Kramer</a> (262) 638-7247		